



Federal Communications Commission
Washington, D.C. 20554

March 21, 2022

WLS Television, Inc.
John W. Zucker
77 West 66TH Street, 16th Floor
New York, NY 10023
john.w.zucker@abc.com
(via electronic mail)

Re: Request for Invoice Deadline Extension
WLS-TV, Chicago, IL
Facility ID No. 73226
LMS File No. 0000185061

NBC Telemundo License LLC
Margaret L. Tobey
300 New Jersey Avenue, NW
Suite 700
Washington, DC 20001
margaret.tobey@nbcuni.com
(via electronic mail)

Re: Request for Invoice Deadline Extension
WMAQ-TV, Chicago, IL
Facility ID No. 47905
LMS File No. 0000185066

Fox Television Stations, LLC
Ann West Bobeck, Esq.
101 Constitution Ave., NW
Suite 200 West
Washington, DC 20001
ann.bobek@fox.com
(via electronic mail)

Re: Request for Invoice Deadline Extension
WFLD(TV), Chicago, IL
Facility ID No. 22211
LMS File No. 0000185075

Dear Licensees,

On February 18, and 22, 2022, WLS Television, Inc., the licensee of WLS-TV, Chicago, Illinois (WLS); NBC Telemundo License LLC, the licensee of WMAQ-TV, Chicago, Illinois (WMAQ); and Fox Television Stations, LLC, the licensee of WFLD(TV), Chicago, Illinois (WFLD) (collectively the Willis Broadcasters) filed the above captioned requests for extension of the Commission's invoice filing deadline for the TV Broadcaster Relocation Fund (the Reimbursement Fund or Fund) from the second invoice filing assignment deadline of March 22, 2022, to the third and final invoice filing assignment deadline of September 6, 2022.¹ For the reasons below, we grant the Willis Broadcasters' requests (Requests) and extend the date of the Willis Broadcasters' invoice filing assignment deadlines to September 6, 2022.

Background. Pursuant to the Commission's direction, the Incentive Auction Task Force and Media Bureau set deadlines for final invoice submission to the Reimbursement Fund using a phased assignment approach.² All repacked stations assigned to Phases 6 through 10 of the Transition

¹ The third and final invoice filing deadline was set for September 5, 2022. However, because Labor Day, a federal holiday, falls on Monday, September 5, 2022, the third and last invoice filing deadline is Tuesday, September 6, 2022. *See TV Broadcaster Relocation Fund Invoice Filing Deadline Approaches In Sixty Days*, Public Notice, DA 22-72, para. 4 (MB/IATF Jan. 21, 2022).

² *See Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Report and Order, 29 FCC Rcd 6567, 6815-16, 6819, paras. 607, 616-17 (2014) (*Incentive Auction R&O*), subsequent history omitted; *Invoice Filing Deadlines for TV Broadcaster Relocation Fund*, Public Notice, 35 FCC Rcd 11273, 11277, paras. 10-11 (MB/IATF 2020) (*Invoice Filing Deadline PN*) (setting three filing deadlines for submission of all

Scheduling Plan are required to submit all remaining invoices and supporting documentation using the Reimbursement Form, and initiate interim close-out procedures, no later than March 22, 2022. We stated that we did not anticipate a need to grant extensions because the deadline is more than a year after the July 13, 2020, statutory end of the transition period and more than a year after the announcement of the invoice filing assignment deadline. However, in the unlikely event that an entity faces circumstances beyond its control, we may consider a limited extension by means of shifting an entity with the second (March 22, 2022) invoice filing assignment deadline to the third and final (September 6, 2022) invoice filing assignment deadline.³ An entity requesting such a shift must provide evidence that circumstances requiring the extension were outside of its control, such as local zoning or a force majeure event occurring proximate to the final submission deadline.⁴ We will not consider the availability of reimbursement or the status of specific reimbursement requests to be a mitigating factor in evaluating extension requests and we will not grant extensions that do not provide the staff with sufficient processing time to complete close-out procedures for all stations.⁵

The Willis Broadcasters request extensions of the invoice filing assignment deadline from the second (March 22, 2022) to the third and final (September 6, 2022) invoice filing assignment deadline for their respective stations. The Willis Broadcasters have transitioned to and are operating on their post-auction channels from either interim or auxiliary facilities. The Willis Broadcasters state that due to circumstances beyond their control, however, they will incur additional expenses for additional work required on the Willis Tower (Tower).⁶

The Willis Broadcasters state that the Tower is a multi-tenant communications platform located in downtown Chicago that supports many stations that must comply with various zoning and planning departments within the city of Chicago (City). The Tower also must obtain approval from the Alderman's office and the Chicago Police Department (CPD) for work performed on the Tower site. Given the unique engineering and safety considerations that accompany modification and installation of facilities on a skyscraper located in a densely populated area, all construction work related to the repack is being coordinated, managed and executed through Willis Tower and its engineering firm.

Rare and exceptional circumstances, including weather-related delays, civil unrest, difficulties in obtaining the required permits and approvals from the City and the CPD, and the sudden death of the project manager engaged by Willis Tower, have delayed completion of the Willis Broadcasters' final post-auction facilities. Specifically, harsh weather conditions, CPD manpower shortages, and the unfortunate sudden illness and death of Jeremy Ruck, the project manager engaged by Willis Tower, resulted in repeated cancellations of scheduled helicopter lifts to decommission WLS's antenna throughout the fall of 2021 and into early 2022. Given this unique series of events, the Willis Broadcasters have not yet completed construction of their final facilities due to circumstances beyond

remaining repack invoices: for eligible entities assigned repack transition completion dates in the first half of the 39-month post-auction transition period, the deadline for submitting all remaining invoices is October 8, 2021; the deadline for entities assigned completion dates in the second half of the transition period is March 22, 2022; and the deadline for all other participants in the reimbursement program is September 6, 2022).

³ See *Invoice Filing Deadline PN*, 35 FCC Rcd at 11277-78, para 13.

⁴ *Id.*

⁵ *Id.*

⁶ See LMS File No. 0000185061.

their control, and thus will not be able to provide all invoices for remaining Tower work and related expenses by the March 2022 deadline.

Discussion. Upon review of the facts and circumstances presented, we find that sufficient circumstances exist to extend the Willis Broadcasters' invoice filing assignment deadline from the second (March 22, 2022) to third and final (September 6, 2022) invoice filing assignment deadline. The Willis Broadcasters have demonstrated that circumstances beyond their control require the extension. We also find that grant of the Requests is not likely to negatively impact the staff's ability to process the Willis Broadcasters' invoices or complete close-out procedures for all stations. We therefore conclude that the public interest will be served by grant of the extension. We strongly encourage the Willis Broadcasters to diligently pursue submission of all remaining invoices and initiate close-out procedures as early as possible without waiting for the third and final (September 6, 2022) invoice filing assignment deadline. We remind the Willis Broadcasters that pursuant to the Spectrum Act, the stations are eligible for reimbursement for costs "reasonably incurred . . . in order for the licensee to relocate its television service from one channel to the other."⁷ Additional expenses incurred, such as expenses resulting from changes in a station's transition plan that are not related to the post-incentive auction channel change, may not be reimbursable from the Fund.

We caution the stations that we do not anticipate allowing further extensions of the final September 6, 2022 invoice filing deadline. A station's failure to complete any remaining construction in a timely manner and to make final submissions by the assigned invoice filing assignment deadline could preclude that station from receiving full reimbursement. Unobligated amounts in the Fund must be rescinded to Treasury and the Commission staff (with the support of the Fund Administrator) must have sufficient time to fully process all reimbursement requests and complete close-out procedures prior to July 3, 2023.⁸ The Fund Administrator will initiate close out procedures for any entity that has failed to initiate interim close-out procedures by the September 6, 2022 invoice filing deadline. Any unused allocations made to that entity's account will be returned to the Fund and made available for allocation to other program participants or rescinded to Treasury.

In consideration of the above facts, the requests for extension of invoice filing assignment deadlines of WLS-TV, Chicago, Illinois; NBC Telemundo License LLC; and Fox Television Stations, LLC **ARE GRANTED**. The invoice filing assignment deadlines for WLS-TV, Chicago, Illinois; WMAQ-TV, Chicago, Illinois; and WFLD, Chicago, Illinois **ARE MODIFIED TO September 6, 2022**.

Sincerely,

/s/

Barbara A. Kreisman
Chief, Video Division
Media Bureau

cc (via electronic mail): Susan Fox, The Walt Disney Company, at Susan.Fox@disney.com

⁷ 47 U.S.C. § 1452(b)(4)(A)(i). *See also Incentive Auction R&O*, 29 FCC Rcd at 6821, para. 622 ("The appropriate scope of 'costs reasonably incurred' necessarily will have to be decided on a case-by-case basis.").

⁸ *See Invoice Filing Deadline PN*, 35 FCC Rcd at 11277-78, para 13.